

U.S. Environmental Protection Agency
Science Advisory Board
Executive Committee
Workgroup of the SAB Executive Committee

Summary Minutes of Public Teleconference
Date: March 22, 2001

Committee Members: (See Roster - Attachment A.)

Date and Time: 11:00 am-2:00pm, March 22, 2001 (See Federal Register Notice - Attachment B).

Location: Ariel Rios North, Conference Room 6013

Purpose: The SAB held the call to solicit comments on the advice contained in the March 8, 2001 draft Commentary, "Improving Science-based Environmental Stakeholder Processes."

SAB sought comment on:

- (1) whether the draft Commentary makes factual errors;
- (2) whether there is important evidence or published literature that the draft Commentary needs to better acknowledge or incorporate; and
- (3) suggestions for ways the draft Commentary may be improved.

Attendees: SAB Members: Dr. Granger Morgan, Chair, New Approaches Workgroup; Dr. Henry Anderson; Dr. Richard Bull; Dr. Roger Kasperson; Dr. Rhodes Trussell; Dr. Terry Young, and Dr. Angela Nugent (SAB Staff, Designated Federal Officer)

Public Commenters, as designated on the Agenda, included: Ms. Patricia Bonner (EPA); Mr. David Clarke (American Chemistry Council); and Mr. Dale Keyes (U.S. Institute for Environmental Conflict Resolution).

Other persons participating in the call are listed in the List of Participants (Attachment D)

Meeting Summary:

The teleconference generally followed the sequence and timing as presented in the meeting Agenda (see Meeting Agenda - Attachment D). The teleconference lasted until 11:55 a.m. There were five sets of written comments submitted to the Committee before the meeting (comments from: Ms. Patricia Bonner, Mr. John Bullock, Mr. David Clarke, Mr. James Fava, and Mr. Dale Keyes).

Welcome and Introductions - Dr. Granger Morgan, the Chair, opened the session at 11:00 a.m. welcoming SAB members (Roster, Attachment A) and participants. Dr. Angela Nugent, Designated Federal Official (DFO) took roll.

Dr. Morgan began the teleconference with some brief background on the Commentary linking it to the Board's commitment at its 1997 strategic planning retreat to undertake more self-initiated studies. He described the 2000 Commentary to the Administrator that outlined the Board's interest in concerns in the stakeholder and science issue. That Commentary was followed by a series of workshops to gauge Agency reactions to the Commentary, gather information from case studies and learn from 3 substantial studies of stakeholder processes that included a "look at the use of science."

He invited participants in the call to provide advice, reactions, and suggestions to improve the commentary.

Public Comments

Ms. Patricia Bonner (EPA) provided comments that briefly summarized her written comments provided to the Workgroup members of March 22, 2001. She identified herself as one of several lead staff for a new group at EPA formed to develop a plan for implementing the current draft "Public Involvement Policy" of the Agency. The Agency is taking comments through April 27 and may extend the deadline and expects the draft to be finalized this calendar year. Her oral comments focused on a request to work with the Board on matters where the draft commentary "are in sync" with the proposed policy and an identification of areas of inconsistency between the two documents.

Among the areas of uncertainty, she listed the need to clarify recommendations 1, 2, and 3 as applying only to collaborative stakeholder processes, and not to the spectrum of public involvement processes that involve public outreach, information exchange, collaboration and recommendations, and agreement activities. She also made several other suggestions for clarifications to the language in the Commentary, including a request to clarify "pressures to inappropriately expand the use of stakeholder methods."

Ms. Bonner also briefly described the task forces established to implement EPA's draft Public Involvement Policy. She asserted that they will, in effect, be carrying out many of the recommendations in the Commentary. She asked for advice as those Task Forces continued. Specifically, the "Implementation Plan" being developed might serve as the "brief guidance," called for in Recommendation 1. She asked for advice and guidance on training, toolkits, best practices and evaluations for science-based decision-making. She requested the Board's comments on the science aspects of the draft policy before it goes final.

Dr. Morgan then opened up the discussion to questions from the SAB workgroup. Dr. Young asked for information about the "middle of the spectrum" on public participation. Ms. Bonner

responded by referring Dr. Young to Attachment 2 of her written comments, which detailed this information. Ms Bonner described the “middle of the spectrum” as “information exchange activities” (such as workshops, forums, interactive public meetings, round tables, focus groups, question and answer sessions, “listening sessions,” joint fact-finding, and on-line dialogues) and “recommendation activities” (such as individual or group submission of comments, or collaboration efforts involving a small number of individuals working with each other and Agency staff on consensus recommendations; examples include most Federal Advisory Committee activities, external technical committees, and citizens advisory groups). She agreed to provide more information about this spectrum and tools associated with it to the workgroup.

Dr. Morgan then asked about Ms. Bonner’s thoughts on the burden on non-governmental organizations (NGOs) imposed by the growing use of stakeholder processes. Ms. Bonner responded that the newly-formed task group focusing on best practices is focusing on how to expand our public involvement base and “stop using all the usual suspects.” Mr. Bruce Englebert (EPA) responded that the proposed policy discusses providing technical or financial assistance to the public to facilitate involvement. He also said that he agreed with the Commentary’s identification of this problem as a real one.

Mr. David Clarke (American Chemistry Council) next provided public comments and referred to his written comments, provided to the Workgroup on March 19, 2001. He characterized the draft Commentary as a useful, timely effort. He emphasized the importance of the Board’s finding that science can be done and used well in stakeholder processes; underscored the importance of research to explain and communicate scientific uncertainty to stakeholders; and stressed the importance of research on understanding and communicating values. He commented positively on the Board’s description of the EPA as “the ultimate stakeholder in environmental protection,” with the task of carefully considering the science and “multiplicity of values involved in environmental decision making.”

He suggested the following items to improve the report: (1) a more explicit differentiation between stakeholder processes and peer review; (2) discussion of how to evaluate how stakeholder processes add value to the decisions made.

Dr. Morgan asked for specific suggestions of how the Board might address “quality of decisions” other than its reference to the recent Resources for the Future (RFF) report and its existing language in recommendations 1 and 2. Mr. Clark mentioned the opportunity for the Agency to build on the RFF report to use empirical data to evaluate outcomes and decisions. He suggested that the Commentary might more clearly showcase criteria for evaluation in a way that would help the Agency identify what a “good stakeholder process is.” He agreed to provide more specific written recommendations on this issue.

Dr. Dale Keyes (U.S. Institute for Environmental Conflict Resolution) introduced himself and his organization, which provided one of the coauthors of the report included as Appendix D of the draft Commentary (Managing Scientific and Technical Information in Environmental Cases: Principles and

Practices for Mediators and Facilitators). He urged that the report describe the range of stakeholder processes used by EPA and focus the recommendations in the draft Commentary on collaborative processes. He also suggested that the Commentary mention (1) the Conflict and Dispute Prevention Center at EPA Alternative Dispute Resolution Specialists in each regional office and their role in identifying issues and helping to manage them, and (2) potential difficulties involving actual or perceived conflicts of interest and impartiality when EPA acts as a mediator and facilitator.

He also suggested that two efforts underway at the U.S. Institute may be useful to EPA: (1) an internal program evaluation system that may be a model for EPA and (2) grants program for NGOs to facilitate their participation in environmental conflict resolution efforts.

At 11:55 a.m., Dr. Morgan adjourned the meeting.

Respectfully Submitted:

Designated Federal Official

Certified as True:

Chair

NOTE AND DISCLAIMER: The minutes of this public meeting reflect diverse ideas and suggestions offered by the SAB members and consultants (M/C) to the Agency during the course of deliberations within the meeting. Such ideas, suggestions and deliberations do not necessarily reflect definitive consensus advice from the Science Advisory Board. The reader is cautioned to not rely on the minutes to represent final, approved, consensus advice and recommendations offered to the Agency. Such advice and recommendations may be found in the final advisories, commentaries, letters, or reports prepared and transmitted to the EPA Administrator following the public meetings.